

Ernie Fletcher
Governor

LaJuana S. Wilcher
Secretary
Environmental and Public
Protection Cabinet



Environmental Quality Commission
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Environmental Quality Commission

Lindell Ormsbee, Chair, *Lexington*
Betsy Bennett, Vice-Chair, *Louisville*
Patty Wallace, *Louisa*
Gary Revlett, *Shelbyville*
Gordon Garner, *Prospect*
Eugene Zick, *Russellville*
Laura Knoth, *Grand Rivers*

Leslie Cole, *Executive Director*

February 7, 2005

Nina McCoy, SAVE -Supporting Appalachia's Vital Environment
P.O. Box 922
Inez, KY 41224

Martin County Judge/Executive Kelly Callahan
Main Street, Courthouse
P.O. Box 309
Inez, KY 41224

Dear Judge Callahan and Ms. McCoy:

The Kentucky Environmental Quality Commission would like to make you aware of potential funds to help facilitate community involvement and participation in the restoration and monitoring of the environment in communities affected by the Martin County Coal slurry spill.

A conference call facilitated by the commission between the citizens of Martin County, the U. S Environmental Protection Agency and the Kentucky Division of Water this past June revealed a strong interest on behalf of the citizens impacted by the spill to conduct independent drinking water testing and long-range monitoring of environmental and public health concerns. A summary of the June 28, 2004 conference call can be viewed at the EQC web site meeting page at <http://www.eqc.ky.gov/meeting/meeting04/>

In response to these concerns, EQC sought and received a legal opinion concerning the potential use of a portion of a \$1 million trust fund, which the Martin County Coal Corporation paid into as part of the settlement of damages to the state for injury to natural resources, for this purpose. According to the attached opinion, "the funds in the NR Martin County Damage Trust Fund were recovered by the cabinet as a trustee for the citizens of the commonwealth and the money must be spent to benefit the resources impacted by the spill."

The commission believes that this opinion clearly provides the citizens of Martin County with an opportunity to become more involved in assessing the environmental health of their community. These funds are available to conduct independent water testing and other related projects. However, a legislative appropriation for this purpose would be required, according to the legal opinion.

It is EQC's hope that a portion of the trust funds can be used to assist the people of Martin County better understand and assess natural resource and public health damages caused by the spill. Please feel free to call upon EQC if we can be of any assistance in helping to facilitate discussion and a plan of action to seek the use of the trust fund in order to more fully engage the community in the restoration of environmental quality in Martin County.

Sincerely,

A handwritten signature in black ink, appearing to read "Lindell Ormsbee".

Lindell Ormsbee, Chair, Environmental Quality Commission

Cc: Stephanie Mcspirit, Eastern Kentucky University
Senator Ray Jones
Representative Hubert Collins
LaJuana Wilcher, Secretary, EPPC
Lloyd Cress, Commissioner, DEP
Stephanie Fulton, U.S EPA, Region IV

